

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10CV449-RLV**

LORI COBB-LEONARD,
Plaintiff,

v.

Michael J. Astrue,
Commissioner, Social Security
Administration,
Defendant.

AMENDED
ORDER

THIS MATTER is before the Court upon the Plaintiff's Application To Proceed In District Court Without Prepaying Fees Or Costs, filed November 8, 2010.

By the instant Motion, the Plaintiff seeks to proceed on her Complaint against the Defendant for disability and disability insurance benefits pursuant to Title II of the Social Security Act without having to prepay the costs associated with bringing this action.

In support of her Motion, the Plaintiff has submitted an Application which reflects that she is currently not employed. Such application represents that Plaintiff in the last twelve months received \$243 per month in child support which the Plaintiff will continue to receive next month as well. In addition, the Plaintiff reports that she receives Veterans Compensation Benefits in the amount of \$2,877 per month and expects the compensation to continue going forward. Furthermore, the Plaintiff reports that she has \$53 in cash. Also, the Plaintiff reports that she has a checking account with a balance of \$64 at the time of her filing of the Application. Moreover, the Application reports that the Plaintiff does not own any real estate, stocks, or bonds, nor any other thing of value.

Further, the Application represents that the Plaintiff's monthly expenses for shelter, food, utilities, insurance, and clothing total \$4,124 per month which exceeds her monthly sources of income by \$1,004. The Plaintiff also reports that she has adult children, ages 19 and 21 that rely on her for support.

Accordingly, based upon the foregoing representations, the Court finds that the Plaintiff does not have sufficient resources from which to pay the entire \$350.00 filing fee associated with bringing this action. However, it appears that the Plaintiff does have sufficient resources from which to pay a partial filing fee of \$50. Accordingly, the Plaintiff will be directed to make such partial payment as below set forth.

NOW, THEREFORE, IT IS ORDERED:

1. That the Plaintiff's Application to Proceed Without Prepayment Of Fees And Affidavit is **GRANTED in part and DENIED in part.**
2. That within thirty (30) days of the date of this Order, the Plaintiff shall remit a partial filing fee in the amount of \$50.00. **Failure to comply with the instant directive could result in the summary dismissal of the Plaintiff's case.**
3. That the Clerk of Court is instructed to prepare process and deliver the same to the U.S. Marshal for service; and
4. The U.S. Marshal shall serve process upon the Defendant at the expense of the United States Government.

Signed: January 31, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

